

Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Architectural Access Board  
One Ashburton Place, Room 1310  
Boston, Massachusetts 02108-1618*

*Phone 617-727-0660*

*Fax 617-727-0665*

*www.mass.gov/dps*

Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

TO: Local Building Inspector  
Local Disability Commission  
Independent Living Center

Docket Number **V 13 320**

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Pool House  
9 Rear Captain Brown's Lane  
Acton**

Date: **12/19/2013**

Enclosed please find the following material regarding the above location:

\_\_\_ Application for Variance

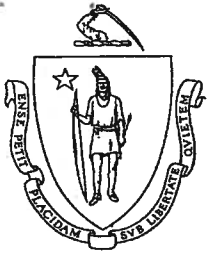
☒ Decision of the Board *w/conditions*

\_\_\_ Notice of Hearing

\_\_\_ Correspondence

\_\_\_ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



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**NOTICE OF ACTION**

Docket Number V 13 320

**RE: Pool House, 9 Rear Captain Brown's Lane , Acton**

1. A request for a variance was filed with the Board by Lawrence P. Smith, (Applicant) on November 25, 2013 .  
The applicant has requested variances from the following sections of the 20 06 Rules and Regulations of the Board:

Section: Description:

- 19.2.1b Access device - 1 year time variance to install pool lift
  - 19.6.2 Accessible table - 1 year time variance to provide accessible table
  - 19.2.2 Path of travel for accessible route to the kiddies pool - time variance request 10 years
  - 20.2 Location of Van-accessible space in lieu of access to public way
  - 20.9 Accessible route cross slope exceeds 2%
  - 20.10 Accessible route has changes in level along the route
  - 24.4.1 Accessible route - level landings for 60" minimum
  - 26.11.2 Gate hardware is above 48" inches to protect children from entering pool.
2. The application was heard by the Board as an incoming case on Monday, December 16, 2013 .
3. After reviewing all materials submitted to the Board, the Board voted as follows:
- GRANT:** 1 year time variance for Sections 19.2.1b and 19.6.1 as proposed. Compliance no later than December 31, 2014
- GRANT:** 5 year time variance for Section 19.2.2.
- GRANT:** the variances to Sections 20.2, 20.9, 20.10, 24.4.1, and 26.11.2 on the condition that in lieu of the accessible e route a van accessible parking space is provide as suggested by the Acton Commission on Disabilities (Email attached)

*Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.*

ARCHITECTURAL ACCESS BOARD

Date: December 19, 2013

*Walter White T.H.*  
Chairperson

cc: Local Building Department, Independent Living Center, Local Disability Commission



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Docket Number

(Office Use Only)

**REQUEST FOR ADJUDICATORY HEARING**

RE: \_\_\_\_\_  
Name and address of building as appearing on application for variance

I, \_\_\_\_\_, do hereby request that the Architectural Access Board  
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.  
seq. as I am aggrieved by the decision of the Board with respect to Section(s) \_\_\_\_\_  
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

**PLEASE PRINT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

E-mail \_\_\_\_\_

Telephone \_\_\_\_\_

**PLEASE NOTE:**

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.

## **Hopkins, Thomas (DPS)**

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**From:** Danielfactor@aol.com  
**Sent:** Monday, December 16, 2013 8:13 AM  
**To:** Hopkins, Thomas (DPS)  
**Cc:** mbarbadoro@acton-ma.gov; stevebernice@verizon.net; lsmith@cranberryhill.com; cod@acton-ma.gov  
**Subject:** Acton COD Comments RE: 9 Captain Brown's Lane

Dear Mr. Hopkins,

The following are the advisory comments from the Acton Commission on Disabilities in regard to the Application For Variance at 9 Captain Brown's Lane:

**After our COD conducted a site visit of the pool premises, reviewed a copy of the applicant's draft Application For Variance at our public meeting, and reviewed the final copy of the application submitted to the AAB, we have reached the opinion that all of the variances requested by the applicant should be allowed.**

Originally the Applicant requested a five year time variance in regard to the pool lift (19.2.1.b), a three year time variance in regard to the accessible table (19.6.2) and a complete variance in regard to making the picnic table accessible (19.2.2). Because the combined costs for the pool lift and picnic table are only \$7,600.00, the COD felt that it was reasonable for the applicant to make these changes within a year. We also felt that a ten year time variance provided the applicant with an appropriate amount of time to make the kiddie pool accessible.

After we made our recommendations to the applicant, we were very pleased to see that in his application submitted to the AAB, the applicant conformed his request to the recommendations which we made. Specifically, in regard to the pool lift (19.2.1.b) and the accessible table (19.6.2) the applicant is now requesting a one year time variance, and in regard to an accessible kiddie pool (19.2.2) the applicant is now requesting a ten year time variance.

Our COD also believes that creating a van accessible handicapped parking space in lieu of creating a level walking path (20.2) to the pool is reasonable. Given the steep slope of the land between Captain Brown's Lane and the pool area, it would not be practicable to create a walking path to the pool that would conform to the code.

We also feel that raising the height on the latch of the door (26.11.2) is reasonable, given security concerns and the fact that staff is on duty to assist individuals in opening the gate during pool hours.

Sincerely,

Danny Factor  
Variance Coordinator  
Acton Commission on Disabilities